

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

David Radtkin, et al.,

Case No. 3:24-cv-290

Plaintiffs,

v.

ORDER

Medtronic, Inc., et al.,

Defendants.

Plaintiffs filed this action on February 14, 2024, alleging this court has original diversity jurisdiction over the matter. (Doc. No. 1). Defendants Medtronic, Inc., Medtronic USA, Inc., and Medtronic Logistics, LLC filed a motion to dismiss on March 26, 2024. (Doc. No. 7). In response, on April 23, 2024, Plaintiffs filed a motion for leave to file a First Amended Complaint and a motion for an extension of time to substantively respond to Defendants' motion to dismiss, which would make their response due 14 days after I rule on their motion to amend. (Doc. Nos. 9 and 10).

Federal Rule of Civil Procedure 15 provides that “[a] party may amend its pleading once as a matter of course no later than ... 21 days after service of a motion under Rule 12(b), (e), or (f).” Fed. R. Civ. P. 15(a)(1)(B). While Plaintiffs could have filed their First Amended Complaint as a matter of course on April 16, 2024, they failed to do so. Instead, confusingly, they filed their motion to amend and motion to extend a week after this deadline.

To conserve this court’s resources and move this case forward, I grant the motion to amend without further analysis and forego further superfluous motion practice. (Doc. No. 9). Accordingly,

Defendants' pending motion to dismiss and Plaintiffs' motion to extend the deadline to respond to that motion are denied as moot. (Doc. Nos. 7 and 10).

When filing their First Amended Complaint, Plaintiffs should consider the representations made by Defendants in footnote one of the motion to dismiss to ensure the proper entities are named as Defendants to this action. (*See* Doc. No. 7 at 1 n.1). Plaintiffs shall also add to the First Amended Complaint sufficient jurisdictional allegations to establish complete diversity exists. That is, for each corporation Defendant, Plaintiffs shall clearly state that Defendant's place of incorporation and principal place of business. And for any non-corporate entity, such as Defendant Medtronic Logistics, LLC, Plaintiff shall list every member and sub-member "traced through however many layers of partners or members there may be," *Meyerson v. Harrah's East Chicago Casino*, 299 F.3d 616, 617 (7th Cir. 2002), and state sufficient jurisdictional allegations for me to determine the citizenship of each (e.g., the domicile of individuals, the place of incorporation and principal place of business of corporations).

Plaintiffs shall file the First Amended Complaint no later than May 24, 2024. Within thirty (30) days of the filing of this First Amended Complaint, Defendants shall file their response.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge